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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,135	01/20/2004	Takefumi Yoshikawa	60188-735	6967

7590 06/29/2004  
McDermott, Will & Emery  
600 13th Street, N.W.  
Washington, DC 20005-3096

EXAMINER
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NGUYEN, MINH T

ART UNIT	PAPER NUMBER
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2816

DATE MAILED: 06/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/759,135	YOSHIKAWA, TAKEFUMI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Minh Nguyen	2816	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 3,5,12 and 14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3,5,12 and 14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 10/227,758.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/20/04</u> . | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Drawings***

1. Figure 8 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. It is suggested that the title of the parent application to be used.

3. The disclosure is objected to because of the following informalities: the continuation data should be updated, i.e., "now US Patent No. 6,686,779" should be added. Appropriate correction is required.

### ***Claim Objections***

4. Claim 3 is objected to because of the following informalities: the words "its" on lines 4 and 6 should be deleted to avoid potential unclear problem since the pronoun "its" can represent the "first pad" or "first resistor".

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 3 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,218,892, issued to Soumyanath et al.

As per claim 3, Soumyanath discloses a driver circuit (Fig. 1), comprising:

a constant current section (M3, column 3, line 32, i.e., “the gate may be tied high” or in other, functioned as a constant current source) for outputting a prescribed current (the current flows through the drain of M3);

a first pad (at the drain of M1) connected to a first resistor (L1, column 3, line 26) and a first voltage (VCC);

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a second pad (at the drain of M2) and a second resistor (L2) connected as recited;  
a first switching element (M1) responses to a first signal (VIN+), connected as recited;  
a second switching element (M2) responses to a second signal (VIN-) which is the complement of the first signal, connected as recited;

a control section (control circuitry 30) for controlling the potential at the output node (the potential at the drain of M3) of the constant current section (the body bias control circuitry 30 controls the substrates of M1 and M2, as a result, the potential at the output node is controlled),

because the body bias control circuitry 30 controls the substrates of M1 and M2, the on resistance values of the first and second switching elements are controlled, i.e., the resistance values are varied according to the bias voltage Vbb, or in other words, according to the potential at the output node of the constant current section; and

the recited first and second switching elements read on transistors M1 and M2, respectively, and they are connected and functioned as recited.

The limitation recited on the last two lines is met as described in column 4, lines 23-24, i.e., the bias voltage (VBB) decreases or increases with respect to the voltage source VCC. Also the potential at the output node of the constant current source decreases or increases with respect to VCC since M3 is powered by VCC. In other words, when the voltage source VCC is changed, the potential at the output node of the constant current section is changed, and the control section varies the substrate potential VBB according to the potential at the output node of the constant current section.

As per claim 12, this claim is rejected for the same reasons noted in claim 3.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,218,892, issued to Soumyanath et al.

As per claim 5, Soumyanath discloses a driver circuit having the structure discussed in claim 3 herein above but he does not explicitly disclose the value of the prescribed potential at the output node is close to the intermediate value of the minimum and maximum values of the gate potential of the first or second transistor minus the threshold potential of that transistor as called for in the claim.

However, as ruled by the court, when general condition is met, it is not inventive to vary parameters to obtain an optimal condition. In this instant case, Soumyanath teaches the structure which is the same as the claimed circuit as discussed in claim 1 (the general condition is met), varying the value of the prescribed potential to be close to the intermediate value of the minimum and maximum values of the gate potential of the first or second transistor minus the threshold potential of that transistor is seen as a routine experiment and can be easily done by a person having average skill in the art.

It would have been obvious for one skilled in the art at the time of the invention was made to set the value of the prescribed potential in the Soumyanath's driver circuit to be close to

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the intermediate value of the minimum and maximum values of the gate potential of the first or second transistor minus the threshold potential of that transistor.


The motivation and/or suggestion for doing so would be to maximize the peak to peak voltage of the first signal can be applied to the driver circuit without clipping.

As per claim 14, this claim is rejected for the same reason and motivation discussed in claim 5.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Nguyen whose telephone number is **571-272-1748**. The examiner can normally be reached on Monday, Tuesday, Thursday, Friday 7:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Callahan can be reached on 571-272-1740. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 6/24/02

Minh Nguyen  
Primary Examiner  
Art Unit 2816